

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 5722 (Application 16741)

Anna E. Longaker

NOTICE OF PROPOSED REVOCATION

SOURCE: Unnamed Spring tributary to Haiwee Reservoir

COUNTY: Inyo

You are hereby notified, pursuant to Water Code section 1675 et seq., that the State Water Resources Control Board (State Water Board) is proposing to revoke License 5722 because the Licensee has ceased to put the water granted under the license to a useful or beneficial purpose and has failed to observe any of the terms and conditions in the license.

The facts and information upon which the proposed revocation is based are as follows:

1. The State Water Board issued License 5722 on May 1, 1959. The Division of Water Rights' (Division) records show Arthur W. "Jim" Lynch (Licensee) as the owner of License 5722. The license authorizes the Licensee to divert for domestic use 2,160 gallons per day from January 1 to December 31 of each year.

Point of diversion is located North 60 feet and West 680 feet from S $\frac{1}{4}$ corner of section 19, T20S, R37E, MBD&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said section 19.

Place of use is located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 30, T20S, R37E, MDB&M.

This license is conditioned upon full compliance with section 5937 of the Fish and Game Code.

2. The license was re-assigned as follows:
 - a. to Anna W. Lawton on November 13, 1962;
 - b. to Arthur W. Lynch on March 19, 1963;
 - c. to Sheldon V. and Grace Sanderlin on May 7, 1963;
 - d. to Arthur W. Lynch on November 13, 1964;
 - e. to Don Rust on November 29, 1965;
 - f. to Rodney Lane on April 18, 1974;
 - g. to Donald E. Fairbanks and Mary Francis Fairbanks on October 29, 1980; and
 - h. to Anna E. Longaker on October 26, 1982.
3. Section 1675 of the Water Code provides: "If at any time after a license is issued, the board finds that the licensee has not put the water granted under the license to a useful or beneficial purpose in conformity with this division or that the licensee has ceased to put the water to such useful or beneficial purpose, or that the licensee has failed to observe any of the terms and conditions in the license, the board, after due notice to the licensee and after a hearing, when a hearing is requested by the licensee pursuant to section 1675.1, may revoke the license and declare the water to be subject to appropriation in accordance with this part."

4. The Division has no records to show that any water has been diverted under License 5722 since the triennial Report of Licensee for 1992, 1993, 1994 dated March 27, 1995 was submitted.
5. The U.S. Social Security Death Index documents that the Licensee died in June 1996.
6. The property on which the point of diversion and place of use are located is owned by the U.S. Bureau of Land Management (BLM).
7. On June 30, 2006, BLM indicated that revocation of License 5722 is appropriate.

Based on the above facts, the Division concludes that:

1. Licensee has failed to observe the terms and conditions of License 5722.
2. Licensee has not, or has ceased to, put the water granted under License 5722 to a useful or beneficial purpose.
3. Licensee has not applied the water to beneficial use for at least five consecutive years. Licensee's water right should, therefore, be revoked pursuant to Water Code section 1675. The unused water should revert to the public and be regarded as unappropriated public water pursuant to Water Code section 1675.

As required by Water Code section 1675.1, you are hereby notified that the State Water Board will revoke License 5722, based on the above facts and conclusions, unless a written request for a hearing, signed by or on behalf of the Licensee, is delivered or mailed to the State Water Boards' Division of Water Rights at the address listed on the cover letter within 15 days after receipt of this notice.

STATE WATER RESOURCES CONTROL BOARD

James W. Kassel
for *Victoria A. Whitney, Chief*
Division of Water Rights

Dated: **APR 23 2008**

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 5722 (Application 16741)

Anna E. Longaker

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Place of use is located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 30, T20S, R37E, MDB&M.

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 - h. to Anna E. Longaker on October 26, 1982.
3. Section 1675 of the Water Code provides: "If at any time after a license is issued, the board finds that the licensee has not put the water granted under the license to a useful or beneficial purpose in conformity with this division or that the licensee has ceased to put the water to such useful or beneficial purpose, or that the licensee has failed to observe any of the terms and conditions in the license, the board, after due notice to the licensee and after a hearing, when a hearing is requested by the licensee pursuant to section 1675.1, may revoke the license and declare the water to be subject to appropriation in accordance with this part."

4. The Division has no records to show that any water has been diverted under License 5722 since the triennial Report of Licensee for 1992, 1993, 1994 dated March 27, 1995 was submitted.
5. The U.S. Social Security Death Index documents that the Licensee died in June 1996.
6. The property on which the point of diversion and place of use are located is owned by the U.S. Bureau of Land Management (BLM).
7. On June 30, 2006, BLM indicated that revocation of License 5722 is appropriate.

Based on the above facts, the Division concludes that:

1. Licensee has failed to observe the terms and conditions of License 5722.
2. Licensee has not, or has ceased to, put the water granted under License 5722 to a useful or beneficial purpose.
3. Licensee has not applied the water to beneficial use for at least five consecutive years. Licensee's water right should, therefore, be revoked pursuant to Water Code section 1675. The unused water should revert to the public and be regarded as unappropriated public water pursuant to Water Code section 1675.

As required by Water Code section 1675.1, you are hereby notified that the State Water Board will revoke License 5722, based on the above facts and conclusions, unless a written request for a hearing, signed by or on behalf of the Licensee, is delivered or mailed to the State Water Boards' Division of Water Rights at the address listed on the cover letter within 15 days after receipt of this notice.

STATE WATER RESOURCES CONTROL BOARD

James W. Russell
for *Victoria A. Whitney, Chief*
Division of Water Rights

APR 23 2008
Dated:

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 5722 (Application 16741)
Anna E. Longaker

ORDER REVOKING LICENSE

SOURCE: Unnamed Spring tributary to Haiwee Reservoir

COUNTY: Inyo

You are hereby notified, pursuant to Water Code section 1675 et seq., that the State Water Resources Control Board (State Water Board) is revoking License 5722 because the Licensee has ceased to put the water granted under the license to a useful or beneficial purpose and has failed to observe any of the terms and conditions in the license.

The facts and information upon which the proposed revocation is based are as follows:

1. The State Water Board issued License 5722 on May 1, 1959. The Division of Water Rights' (Division) records show Arthur W. "Jim" Lynch (Licensee) as the owner of License 5722. The license authorizes the Licensee to divert for domestic use 2,160 gallons per day from January 1 to December 31 of each year.

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Place of use is located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 30, T20S, R37E, MDB&M.

This license is conditioned upon full compliance with section 5937 of the Fish and Game Code.

2. The license was re-assigned as follows:
 - a. to Anna W. Lawton on November 13, 1962;
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 - c. to Sheldon V. and Grace Sanderlin on May 7, 1963;
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 - e. to Don Rust on November 29, 1965;
 - f. to Rodney Lane on April 18, 1974;
 - g. to Donald E. Fairbanks and Mary Francis Fairbanks on October 29, 1980; and
 - h. to Anna E. Longaker on October 26, 1982.
3. Section 1675 of the Water Code provides: "If at any time after a license is issued, the board finds that the licensee has not put the water granted under the license to a useful or beneficial purpose in conformity with this division or that the licensee has ceased to put the water to such useful or beneficial purpose, or that the licensee has failed to observe any of the terms and conditions in the license, the board, after due notice to the licensee and after a hearing, when a hearing is requested

by the licensee pursuant to section 1675.1, may revoke the license and declare the water to be subject to appropriation in accordance with this part."

4. The Division has no records to show that any water has been diverted under License 5722 since the triennial Report of Licensee for 1992, 1993, 1994 dated March 27, 1995 was submitted.
5. The U.S. Social Security Death Index documents that the Licensee died in June 1996.
6. The property on which the point of diversion and place of use are located is owned by the U.S. Bureau of Land Management (BLM).
7. On June 30, 2006, BLM indicated that revocation of License 5722 is appropriate.

Based on the above facts, the Division concludes that:

1. Licensee has failed to observe the terms and conditions of License 5722.
2. Licensee has not, or has ceased to, put the water granted under License 5722 to a useful or beneficial purpose.
3. Licensee has not applied the water to beneficial use for at least five consecutive years. Licensee's water right should, therefore, be revoked pursuant to Water Code section 1675. The unused water should revert to the public and be regarded as unappropriated public water pursuant to Water Code section 1675.
4. On April 23, 2008, Licensee was provided notice by certified mail of the proposed revocation. The notice provided the Licensee the opportunity to object to the proposed revocation and request a hearing.
5. The Licensee did not submit a request for a hearing to the Division.
6. The State Water Board has found that Licensee failed to apply the water to beneficial use under the terms and conditions of this license.

Therefore, it is ordered that License 5722 is hereby revoked by the State Water Board pursuant to Water Code section 1675, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney, Chief
Division of Water Rights*

Dated **JUL 01 2008**



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 16741

PERMIT 10991

LICENSE 5782

THIS IS TO CERTIFY, That

Arthur W. "Jim" Lynch
P. O. Box 35
Olancha, California

has made proof as of **July 21, 1958**
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
an unnamed spring in Inyo County
tributary to **Naives Reservoir**

for the purpose of **domestic use**
under Permit **10991** of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from **November 21, 1955** and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **two thousand one hundred sixty (2160) gallons per day to be diverted from January 1 to December 31 of each year.**

The point of diversion of such water is located :

North sixty (60) feet and west six hundred eighty (680) feet from SE $\frac{1}{4}$ corner of Section 19, T20N, R7E, N30E, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 19.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, T20N, R7E, N30E.

This license is conditioned upon full compliance with Section 3937 of the Fish and
Game Code.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MAY 1 '59

L. K. Hill
L. K. Hill
Executive Officer

[SEAL]

LICENSE 5122
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Arthur W. "Jim" Lynch

MAY 1 '59

DATED

APR 8 '59 L.E.M.

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